

AMENDED IN ASSEMBLY SEPTEMBER 2, 2003

AMENDED IN ASSEMBLY JUNE 9, 2003

AMENDED IN SENATE MARCH 25, 2003

SENATE BILL

No. 306

Introduced by Senator Ducheny

February 19, 2003

An act to amend Sections 17021.7, 17951, 18013.4, 18045.5, 18214, 18300, 18862.39, 18862.47, 18865, 19971, ~~50517.5~~, 50781, and 50786 of the Health and Safety Code, relating to ~~mobilehome parks~~ *mobilehomes and manufactured homes*, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 306, as amended, Ducheny. ~~Mobilehome parks: Mobilehome Park Purchase Fund~~ *Mobilehomes and manufactured homes*.

(1) The State Housing Law authorizes cities and counties to prescribe fees for specified activities. Those provisions declare that they do not prohibit the use of, among other things, a manufactured home, and other specified materials, appliances, installations, devices, arrangements, and methods of construction.

This bill would specify that those provisions do not prohibit the use of a multiunit manufactured home. The bill would also authorize the city or county to approve certain alternate materials, appliances, installations, devices, arrangements, and methods of construction on a case-by-case basis.

(2) The Mobilehome Parks Act generally regulates various classifications of mobilehome and related vehicle parks and imposes related duties on the Department of Housing and Community

Development and local enforcement agencies. The act also excludes from the definition of a “mobilehome park” an area or tract of land zoned for agricultural purposes, as specified, that accommodates manufactured homes, mobilehomes, or recreational vehicles for housing 12 or fewer agricultural employees.

This bill would instead provide that an area or tract of land zoned for agricultural purposes, as specified, to accommodate 12 or fewer manufactured homes, mobilehomes, or recreational vehicles for housing agricultural employees is not deemed to be a mobilehome park.

The bill would also revise the definitions of “recreational vehicle park” and “temporary recreational vehicle park” to, among other things, expand an exemption for the housing of agricultural employees.

The act authorizes the department to enforce plan review activities through department-approved plan checking agencies.

This bill would delete that authority.

(3) The Mobilehomes-Manufactured Housing Act of 1980 requires a dealer to keep its established place of business open for inspection of records.

This bill would require any other location where records are kept to be open for inspection during normal business hours.

(4) Existing law authorizes the Department of Housing and Community Development to make loans from the Mobilehome Park Purchase Fund to mobilehome park residents, to resident organizations to finance conversion of the parks to resident ownership, or to qualified nonprofit housing sponsors and local public entities for the conversion of parks to ownership by those nonprofit sponsors or local public entities. The Mobilehome Park Purchase Fund is continuously appropriated to the department for the purpose of providing these loans and for related administrative costs.

This bill would revise the definition of “qualified nonprofit housing sponsor” to include a limited partnership where all of the general partners are nonprofit mutual or public benefit corporations.

This bill would make an appropriation by authorizing the expenditure of money in the Mobilehome Park Purchase Fund for loans to an additional category of housing sponsors.

(5) Existing law requires the department to release individual spaces in a mobilehome park from a regulatory agreement made in connection with those loans from the Mobilehome Park Purchase Fund only if they are purchased by low-income residents who occupy them.



This bill would delete the requirement that the occupants be low-income residents.

(6) Existing law requires the Department of Housing and Community Development to establish the Joe Serna, Jr. Farmworker Housing Grant Program under which, subject to the availability of funds therefor, grants or loans, or both, are to made to local public entities, nonprofit corporations, and limited partnerships, for the construction or rehabilitation of housing for agricultural employees and their families. Grants or loans may also be made for the cost of acquiring the land and any building thereon in connection with the housing assisted pursuant to the program and for the construction and rehabilitation of related support facilities necessary to the housing.

This bill would specify that those grants or loans may be made for the acquisition of manufactured housing, as specified.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17021.7 of the Health and Safety Code
2 is amended to read:
3 17021.7. Notwithstanding subdivision (b) of Section 18214,
4 subdivision (b) of Section 18862.39, and subdivision (b) of
5 Section 18862.47, mobilehomes and recreational vehicles used to
6 house agricultural employees shall be maintained in conformity
7 with the applicable requirements of the Mobilehome Parks Act
8 (Part 2.1 (commencing with Section 18200)).
9 SEC. 2. Section 17951 of the Health and Safety Code is
10 amended to read:
11 17951. (a) The governing body of any county or city,
12 including a charter city, may prescribe fees for permits,
13 certificates, or other forms or documents required or authorized by
14 this part or rules and regulations adopted pursuant to this part.
15 (b) The governing body of any county or city, including a
16 charter city, or fire protection district, may prescribe fees to defray
17 the costs of enforcement required by this part to be carried out by
18 local enforcement agencies.
19 (c) The amount of the fees prescribed pursuant to subdivisions
20 (a) and (b) shall not exceed the amount reasonably required to
21 administer or process these permits, certificates, or other forms or

documents, or to defray the costs of enforcement required by this part to be carried out by local enforcement agencies, and shall not be levied for general revenue purposes. The fees shall be imposed pursuant to Section 66016 of the Government Code.

(d) (1) The provisions of this part are not intended to prevent the use of any manufactured home, mobilehome, multiunit manufactured home, material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by the California Building Standards Code or this part, provided that this alternate has been approved by the building department.

(2) The building department of any city or county may approve an alternate material, appliance, installation, device, arrangement, method, or work on a case-by-case basis if it finds that the proposed design is satisfactory and that each such material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the California Building Standards Code or this part in performance, safety, and for the protection of life and health.

(3) The building department of any city or county shall require evidence that any material, appliance, installation, device, arrangement, or method of construction conforms to, or that the proposed alternate is at least equivalent to, the requirements of this part, building standards published in the California Building Standards Code, or the other rules and regulations promulgated pursuant to this part and in order to substantiate claims for alternates, the building department of any city or county may require tests as proof of compliance to be made at the expense of the owner or the owner's agent by an approved testing agency selected by the owner or the owner's agent.

SEC. 3. Section 18013.4 of the Health and Safety Code is amended to read:

18013.4. "Truck camper" means a slide-in camper as defined in Section 18012.4.

SEC. 4. Section 18045.5 of the Health and Safety Code is amended to read:

18045.5. (a) The department shall not issue a manufacturer, distributor, or dealer license to any applicant therefor who does not have an established place of business.

(b) In the case of a dealer or distributor, the established place of business shall have an office located within the State of California. In the case of a manufacturer, the established place of business shall have a manufacturing area defined by department regulations situated on the same property. When a room or rooms in a hotel, roominghouse, apartment house building, or a part of any single-unit or multiple-unit dwelling house is used as an office or offices of an established place of business, the room or rooms shall be devoted exclusively to, and occupied for, the office or offices of the licensee, shall be located on the ground floor, and shall provide a direct entrance into the room or rooms from the exterior of the building.

(c) The established place of business shall be open for inspection of the premises, pertinent records, and manufactured homes, mobilehomes, or commercial coaches by any department representative during business hours. If records are kept at a location other than the principal dealer business location, that other location shall be open for inspection of the premises and pertinent records during normal business hours.

SEC. 5. Section 18214 of the Health and Safety Code, as amended by Section 6 of Chapter 434 of the Statutes of 2001, is amended to read:

18214. (a) “Mobilehome park” is any area or tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes, mobilehomes, or recreational vehicles used for human habitation. The rental paid for a manufactured home, a mobilehome, or a recreational vehicle shall be deemed to include rental for the lot it occupies. This subdivision shall not be construed to authorize the rental of a mobilehome park space for the accommodation of a recreational vehicle in violation of Section 798.22 of the Civil Code.

(b) Notwithstanding subdivision (a), an area or tract of land zoned for agricultural purposes where two or more lots are rented or leased, held out for rent or lease, or provided as a term or condition of employment, to accommodate 12 or fewer manufactured homes, mobilehomes, or recreational vehicles used for the purpose of housing agricultural employees shall not be



1 deemed a mobilehome park for the purposes of the requirement to
2 obtain an initial or annual permit to operate or pay any related fees
3 required by this part.

4 (c) Notwithstanding subdivision (a), an area or tract of land
5 shall not be deemed a mobilehome park if the structures on it
6 consist of residential structures that are rented or leased, or held out
7 for rent or lease, if those residential structures meet both of the
8 following requirements:

9 (1) The residential structures are manufactured homes
10 constructed pursuant to the National Manufactured Housing
11 Construction and Safety Act of 1974 (42 U.S.C. Sec. 5401 et seq.)
12 or mobilehomes containing two or more dwelling units for human
13 habitation.

14 (2) Those manufactured homes or mobilehomes have been
15 approved by a city, county, or city and county pursuant to
16 subdivision (d) of Section 17951 as an alternate which is at least
17 the equivalent to the requirements prescribed in the California
18 Building Standards Code or Part 1.5 (commencing with Section
19 17910) in performance, safety, and for the protection of life and
20 health.

21 SEC. 6. Section 18300 of the Health and Safety Code, as
22 amended by Section 4 of Chapter 413 of the Statutes of 1993, is
23 amended to read:

24 18300. (a) This part applies to all parts of the state and
25 supersedes any ordinance enacted by any city, county, or city and
26 county, whether general law or chartered, applicable to this part.
27 Except as provided in Section 18930, the department may adopt
28 regulations to interpret and make specific this part and, when
29 adopted, the regulations shall apply to all parts of the state.

30 (b) Upon 30 days' written notice from the governing body to
31 the department, any city, county, or city and county may assume
32 the responsibility for the enforcement of this part and the
33 regulations adopted pursuant to this part following approval by the
34 department for the assumption.

35 (c) The department shall adopt regulations that set forth the
36 conditions for assumption and may include required qualifications
37 of local enforcement agencies. The conditions set forth and the
38 qualifications required in the regulations shall relate solely to the
39 ability of local agencies to enforce properly this part and the
40 regulations adopted pursuant to this part. The regulations shall not



1 set forth requirements for local agencies different than those that
2 the state maintains for its own enforcement program. When
3 assumption is approved, the department shall transfer the
4 responsibility for enforcement to the city, county, or city and
5 county, together with all records of parks within the jurisdiction of
6 the city, county, or city and county.

7 (d) (1) In the event of nonenforcement of this part or the
8 regulations adopted pursuant to this part by a city, county, or city
9 and county, the department shall enforce this part and the
10 regulations adopted pursuant to this part in the city, county, or city
11 and county, after the department has given written notice to the
12 governing body of the city, county, or city and county, setting forth
13 in what respects the city, county, or city and county has failed to
14 discharge its responsibility, and the city, county, or city and county
15 has failed to initiate corrective measures to carry out its
16 responsibility within 30 days of the notice.

17 (2) Where the department determines that the local
18 enforcement agency is not properly enforcing this part, the local
19 enforcement agency may appeal the decision to the director of the
20 department.

21 (e) Any city, city and county, or county, upon written notice
22 from the governing body to the department, may cancel its
23 assumption of responsibility for the enforcement of this part. The
24 department, upon receipt of the notice, shall assume responsibility
25 within 30 days.

26 (f) Every city, county, or city and county, within its jurisdiction,
27 shall enforce this part and the regulations adopted pursuant to this
28 part, as they relate to manufactured homes, mobilehomes, or
29 recreational vehicles and to accessory buildings or structures
30 located in both of the following areas:

31 (1) Inside of parks while the city, county, or city and county has
32 assumed responsibility for enforcement of this part.

33 (2) Outside of parks.

34 (g) This part shall not prevent local authorities of any city,
35 county, or city and county, within the reasonable exercise of their
36 police powers, from doing any of the following:

37 (1) From establishing, subject to the requirements of Sections
38 65852.3 and 65852.7 of the Government Code, certain zones for
39 manufactured homes, mobilehomes, mobilehome parks, and
40 special occupancy parks within the city, county, or city and county,

1 or establishing types of uses and locations, including family
2 mobilehome parks, senior mobilehome parks, mobilehome
3 condominiums, mobilehome subdivisions, or mobilehome
4 planned unit developments within the city, county, or city and
5 county, as defined in the zoning ordinance, or from adopting rules
6 and regulations by ordinance or resolution prescribing park
7 perimeter walls or enclosures on public street frontage, signs,
8 access, and vehicle parking or from prescribing the prohibition of
9 certain uses for mobilehome parks or special occupancy parks.

10 (2) From regulating the construction and use of equipment and
11 facilities located outside of a manufactured home, mobilehome, or
12 recreational vehicle used to supply gas, water, or electricity
13 thereto, except facilities owned, operated, and maintained by a
14 public utility, or to dispose of sewage or other waste therefrom
15 when the facilities are located outside a park for which a permit is
16 required by this part or the regulations adopted pursuant thereto.

17 (3) From requiring a permit to use a manufactured home,
18 mobilehome, or recreational vehicle outside a park for which a
19 permit is required by this part or by regulations adopted pursuant
20 thereto, and require a fee therefor by local ordinance
21 commensurate with the cost of enforcing this part and local
22 ordinance with reference to the use of manufactured homes,
23 mobilehomes, and recreational vehicles, which permit may be
24 refused or revoked if the use violates this part or Part 2
25 (commencing with Section 18000), any regulations adopted
26 pursuant thereto, or any local ordinance applicable to that use.

27 (4) From requiring a local building permit to construct an
28 accessory structure for a manufactured home or mobilehome when
29 the manufactured home or mobilehome is located outside a
30 mobilehome park, recreational vehicle park, or temporary
31 recreational vehicle park, under circumstances which the
32 provisions of this part or Part 2 (commencing with Section 18000)
33 and the regulations adopted pursuant thereto do not require the
34 issuance of a permit therefor by the department.

35 (5) From authorizing the creation, movement, shifting, or
36 alteration of mobilehome park lot lines as specified in Section
37 18610.5.

38 (6) From prescribing and enforcing setback and separation
39 requirements governing the installation of a manufactured home,

mobilehome, or mobilehome accessory structure or building installed outside of a mobilehome park or special occupancy park.

(h) (1) A city, including a charter city, county, or city and county, shall not require the average density in a new park to be less than that permitted by the applicable zoning ordinance, plus any density bonus, as defined in Section 65915 of the Government Code, for other affordable housing forms.

(2) A city, including a charter city, county, or city and county, shall not require a new park to include a clubhouse. Recreational facilities, recreational areas, accessory structures, or improvements may be required only to the extent that the facilities or improvements are required in other types of residential developments containing a like number of residential dwelling units.

(3) A city, including a charter city, county, or city and county, shall not require the setback and separation requirements authorized by paragraph (6) of subdivision (g) to be greater than those permitted by applicable ordinances for other housing forms.

SEC. 7. Section 18300 of the Health and Safety Code, as amended by Section 17 of Chapter 434 of the Statutes of 2001, is amended to read:

18300. (a) This part applies to all parts of the state and supersedes any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable to this part. Except as provided in Section 18930, the department may adopt regulations to interpret and make specific this part and, when adopted, the regulations shall apply to all parts of the state.

(b) Upon 30 days' written notice from the governing body to the department, any city, county, or city and county may assume the responsibility for the enforcement of both this part and Part 2.3 (commencing with Section 18860) and the regulations adopted pursuant to this part and Part 2.3 (commencing with Section 18860) following approval by the department for the assumption.

(c) The department shall adopt regulations that set forth the conditions for assumption and may include required qualifications of local enforcement agencies. The conditions set forth and the qualifications required in the regulations shall relate solely to the ability of local agencies to enforce properly this part and the regulations adopted pursuant to this part. The regulations shall not set forth requirements for local agencies different than those that

1 the state maintains for its own enforcement program. When
2 assumption is approved, the department shall transfer the
3 responsibility for enforcement to the city, county, or city and
4 county, together with all records of parks within the jurisdiction of
5 the city, county, or city and county.

6 (d) (1) In the event of nonenforcement of this part or the
7 regulations adopted pursuant to this part by a city, county, or city
8 and county, the department shall enforce both this part and Part 2.3
9 (commencing with Section 18860) and the regulations adopted
10 pursuant to this part and Part 2.3 (commencing with Section
11 18860) in the city, county, or city and county, after the department
12 has given written notice to the governing body of the city, county,
13 or city and county, setting forth in what respects the city, county,
14 or city and county has failed to discharge its responsibility, and the
15 city, county, or city and county has failed to initiate corrective
16 measures to carry out its responsibility within 30 days of the
17 notice.

18 (2) Where the department determines that the local
19 enforcement agency is not properly enforcing this part or Part 2.3
20 (commencing with Section 18860), the local enforcement agency
21 may appeal the decision to the director of the department.

22 (e) Any city, city and county, or county, upon written notice
23 from the governing body to the department, may cancel its
24 assumption of responsibility for the enforcement of both this part
25 and Part 2.3 (commencing with Section 18860). The department,
26 upon receipt of the notice, shall assume responsibility within 30
27 days.

28 (f) Every city, county, or city and county, within its jurisdiction,
29 shall enforce this part and the regulations adopted pursuant to this
30 part, as they relate to manufactured homes, mobilehomes, or
31 recreational vehicles, and to accessory buildings or structures
32 located in both of the following areas:

33 (1) Inside of parks while the city, county, or city and county has
34 assumed responsibility for enforcement of both this part and Part
35 2.3 (commencing with Section 18860).

36 (2) Outside of parks.

37 (g) This part shall not prevent local authorities of any city,
38 county, or city and county, within the reasonable exercise of their
39 police powers, from doing any of the following:

(1) From establishing, subject to the requirements of Sections 65852.3 and 65852.7 of the Government Code, certain zones for manufactured homes, mobilehomes, and mobilehome parks within the city, county, or city and county, or establishing types of uses and locations, including family mobilehome parks, senior mobilehome parks, mobilehome condominiums, mobilehome subdivisions, or mobilehome planned unit developments within the city, county, or city and county, as defined in the zoning ordinance, or from adopting rules and regulations by ordinance or resolution prescribing park perimeter walls or enclosures on public street frontage, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks.

(2) From regulating the construction and use of equipment and facilities located outside of a manufactured home or mobilehome used to supply gas, water, or electricity thereto, except facilities owned, operated, and maintained by a public utility, or to dispose of sewage or other waste therefrom when the facilities are located outside a park for which a permit is required by this part or the regulations adopted pursuant thereto.

(3) From requiring a permit to use a manufactured home or mobilehome outside a park for which a permit is required by this part or by regulations adopted pursuant thereto, and require a fee therefor by local ordinance commensurate with the cost of enforcing this part and local ordinance with reference to the use of manufactured homes and mobilehomes, which permit may be refused or revoked if the use violates this part or Part 2 (commencing with Section 18000), any regulations adopted pursuant thereto, or any local ordinance applicable to that use.

(4) From requiring a local building permit to construct an accessory structure for a manufactured home or mobilehome when the manufactured home or mobilehome is located outside a mobilehome park, under circumstances when this part or Part 2 (commencing with Section 18000) and the regulations adopted pursuant thereto do not require the issuance of a permit therefor by the department.

(5) From authorizing the creation, movement, shifting, or alteration of mobilehome park lot lines as specified in Section 18610.5.

(6) From prescribing and enforcing setback and separation requirements governing the installation of a manufactured home,

1 mobilehome, or mobilehome accessory structure or building
2 installed outside of a mobilehome park.

3 (h) (1) A city, including a charter city, county, or city and
4 county, shall not require the average density in a new park to be less
5 than that permitted by the applicable zoning ordinance, plus any
6 density bonus, as defined in Section 65915 of the Government
7 Code, for other affordable housing forms.

8 (2) A city, including a charter city, county, or city and county,
9 shall not require a new park to include a clubhouse. Recreational
10 facilities, recreational areas, accessory structures, or
11 improvements may be required only to the extent that the facilities
12 or improvements are required in other types of residential
13 developments containing a like number of residential dwelling
14 units.

15 (3) A city, including a charter city, county, or city and county,
16 shall not require the setback and separation requirements
17 authorized by paragraph (6) of subdivision (g) to be greater than
18 those permitted by applicable ordinances for other housing forms.

19 SEC. 8. Section 18862.39 of the Health and Safety Code is
20 amended to read:

21 18862.39. (a) “Recreational vehicle park” is any area or
22 tract of land, or a separate designated section within a mobilehome
23 park where two or more lots are rented, leased, or held out for rent
24 or lease, or were formerly held out for rent or lease and later
25 converted to a subdivision, cooperative, condominium, or other
26 form of resident ownership, to accommodate owners or users of
27 recreational vehicles, camping cabins, or tents.

28 (b) Notwithstanding subdivision (a), an area or tract of land
29 zoned for agricultural purposes where two or more lots are rented,
30 leased, or held out for rent or lease to accommodate owners or
31 users of 12 or fewer recreational vehicles for the purpose of
32 housing agricultural employees shall not be deemed a recreational
33 vehicle park for the purposes of the requirement to obtain an initial
34 or annual permit to operate or pay any fees related thereto required
35 by this part.

36 SEC. 9. Section 18862.47 of the Health and Safety Code is
37 amended to read:

38 18862.47. (a) “Temporary recreational vehicle park” is any
39 area or tract of land where two or more lots are rented, leased, or
40 held out for rent or lease to owners or users of recreational vehicles

1 and that is established for one operation not to exceed 11
2 consecutive days, and is then removed.

3 (b) Notwithstanding subdivision (a), an area or tract of land
4 zoned for agricultural purposes where two or more lots are rented,
5 leased, or held out for rent or lease to accommodate owners or
6 users of 12 or fewer recreational vehicles for the purpose of
7 housing agricultural employees shall not be deemed a temporary
8 recreational vehicle park for the purposes of the requirement to
9 obtain an initial or annual permit to operate or pay any fees related
10 thereto required by this part.

11 SEC. 10. Section 18865 of the Health and Safety Code is
12 amended to read:

13 18865. (a) This part applies to all parts of the state and
14 supersedes any ordinance enacted by any city, county, or city and
15 county, whether general law or chartered, applicable to this part.
16 Except as provided in Section 18930, the department may adopt
17 regulations to interpret and make specific this part and, when
18 adopted, the regulations shall apply to all parts of the state.

19 (b) Upon 30 days' written notice from the governing body to
20 the department, any city, county, or city and county may assume
21 the responsibility for the enforcement of both this part and Part 2.1
22 (commencing with Section 18200) and the regulations adopted
23 pursuant to this part following approval by the department for the
24 assumption.

25 (c) The department shall adopt regulations that set forth the
26 conditions for assumption and may include required qualifications
27 of local enforcement agencies. The conditions set forth and the
28 qualifications required in the regulations shall relate solely to the
29 ability of local agencies to enforce properly this part and the
30 regulations adopted pursuant to this part. The regulations shall not
31 set forth requirements for local agencies different than those that
32 the state maintains for its own enforcement program. When
33 assumption is approved, the department shall transfer the
34 responsibility for enforcement to the city, county, or city and
35 county, together with all records of special occupancy parks within
36 the jurisdiction of the city, county, or city and county.

37 (d) (1) In the event of nonenforcement of this part or the
38 regulations adopted pursuant to this part by a city, county, or city
39 and county, the department shall enforce both this part and Part 2.1
40 (commencing with Section 18200) and the regulations adopted

1 pursuant to this part and Part 2.1 in the city, county, or city and
2 county, after the department has given written notice to the
3 governing body of the city, county, or city and county setting forth
4 in what respects the city, county, or city and county has failed to
5 discharge its responsibility, and the city, county, or city and county
6 has failed to initiate corrective measures to carry out its
7 responsibility within 30 days of the notice.

8 (2) Where the department determines that the local
9 enforcement agency is not properly enforcing this part, the local
10 enforcement agency may appeal the decision to the director of the
11 department.

12 (e) Any city, city and county, or county, upon written notice
13 from the governing body to the department, may cancel its
14 assumption of responsibility for the enforcement of both this part
15 and Part 2.1 (commencing with Section 18200). The department,
16 upon receipt of the notice, shall assume responsibility within 30
17 days.

18 (f) Every city, county, or city and county shall, within its
19 jurisdiction, enforce this part and the regulations adopted pursuant
20 to this part, as they relate to recreational vehicles and to accessory
21 buildings or structures located in both of the following areas: (1)
22 inside of parks where the city, county, or city and county has
23 assumed responsibility for enforcement of both this part and Part
24 2.1 (commencing with Section 18200), and (2) outside of parks.

25 (g) This part shall not prevent local authorities of any city,
26 county, or city and county, within the reasonable exercise of their
27 police powers, from doing any of the following:

28 (1) Establishing, subject to the requirements of Sections
29 65852.3 and 65852.7 of the Government Code, certain zones for
30 special occupancy parks within the city, county, or city and county,
31 as defined in the zoning ordinance, or from adopting rules and
32 regulations by ordinance or resolution prescribing park perimeter
33 walls or enclosures on public street frontage, signs, access, and
34 vehicle parking or from prescribing the prohibition of certain uses
35 for special occupancy parks.

36 (2) Regulating the construction and use of equipment and
37 facilities located outside of a recreational vehicle used to supply
38 gas, water, or electricity thereto, except facilities owned, operated,
39 and maintained by a public utility, or to dispose of sewage or other
40 waste therefrom when the facilities are located outside a park for

1 which a permit is required by this part or the regulations adopted
2 pursuant thereto.

3 (3) Requiring a permit to use a recreational vehicle outside a
4 park for which a permit is required by this part or by regulations
5 adopted pursuant thereto, and require a fee therefor by local
6 ordinance commensurate with the cost of enforcing this part and
7 local ordinance with reference to the use of recreational vehicles,
8 which permit may be refused or revoked if the use violates this part
9 or Part 2 (commencing with Section 18000), any regulations
10 adopted pursuant thereto, or any local ordinance applicable to that
11 use or Part 2.1 (commencing with Section 18200).

12 (4) Authorizing the creation, movement, shifting, or alteration
13 of park lot lines as specified in Section 18872.1.

14 (h) A city, including a charter city, county, or city and county,
15 shall not require a new park to include a clubhouse. Recreational
16 facilities, recreational areas, accessory structures, or
17 improvements may be required only to the extent that the facilities
18 or improvements are required in other types of similar recreational
19 facilities, if any, in the city, county, or city and county.

20 SEC. 11. Section 19971 of the Health and Safety Code is
21 amended to read:

22 19971. "Factory-built housing" means a residential building,
23 dwelling unit, or an individual dwelling room or combination of
24 rooms thereof, or building component, assembly, or system
25 manufactured in such a manner that all concealed parts or
26 processes of manufacture cannot be inspected before installation
27 at the building site without disassembly, damage, or destruction of
28 the part, including units designed for use as part of an institution
29 for resident or patient care, that is either wholly manufactured or
30 is in substantial part manufactured at an offsite location to be
31 wholly or partially assembled onsite in accordance with building
32 standards published in the California Building Standards Code and
33 other regulations adopted by the commission pursuant to Section
34 19990. Factory-built housing does not include a mobilehome, as
35 defined in Section 18008, a recreational vehicle, as defined in
36 Section 18010.5, or a commercial modular, as defined in Section
37 18012.5.

38 SEC. 11.5. Section 50517.5 of the Health and Safety Code is
39 amended to read:

1 50517.5. (a) (1) The department shall establish the Joe
2 Serna, Jr. Farmworker Housing Grant Program under which,
3 subject to the availability of funds therefor, grants or loans, or
4 both, shall be made to local public entities, nonprofit corporations,
5 and limited partnerships, for the construction or rehabilitation of
6 housing for agricultural employees and their families *or for the*
7 *acquisition of manufactured housing as part of a program to*
8 *address and remedy the impacts of current and potential*
9 *displacement of farmworker families from existing labor camps,*
10 *mobilehome parks, or other housing.* Under this program, grants
11 or loans, or both, may also be made for the cost of acquiring the
12 land and any building thereon in connection with housing assisted
13 pursuant to this section and for the construction and rehabilitation
14 of related support facilities necessary to the housing. In its
15 administration of this program, the department shall disburse
16 grants or loans, or both, to the local public entities, nonprofit
17 corporations, or limited partnerships or may, at the request of the
18 local public entity, nonprofit corporation, or limited partnership
19 that sponsors and supervises the rehabilitation or construction
20 program, disburse grant funds to agricultural employees who are
21 participants in a rehabilitation or construction program sponsored
22 and supervised by the local public entity, nonprofit corporation, or
23 limited partnership. No part of a grant or loan made pursuant to this
24 section may be used for project organization or planning.

25 (2) Notwithstanding any other provision of this chapter, upon
26 the request of a grantee, if funds are used in conjunction with
27 low-income housing tax credits, the program also may loan funds
28 to a grantee at no more than 3 percent simple interest. Principal and
29 accumulated interest is due and payable upon completion of the
30 term of the loan. For any loan made pursuant to this subdivision,
31 the performance requirements of the lien shall remain in effect for
32 a period of no less than the original term of the loan.

33 (3) The program shall be administered by the Director of
34 Housing and Community Development and officers and
35 employees of the department as he or she may designate.

36 (b) (1) The Joe Serna, Jr. Farmworker Housing Grant Fund is
37 hereby created in the State Treasury. Notwithstanding Section
38 13340 of the Government Code, all money in the fund is
39 continuously appropriated to the department for making grants or
40 loans, or both, pursuant to this section and Section 50517.10, for

1 purposes of Chapter 8.5 (commencing with Section 50710), and
2 for costs incurred by the department in administering these
3 programs.

4 (2) There shall be paid into the fund the following:

5 (A) Any moneys appropriated and made available by the
6 Legislature for purposes of the fund.

7 (B) Any moneys that the department receives in repayment or
8 return of grants or loans from the fund, including any interest
9 therefrom.

10 (C) Any other moneys that may be made available to the
11 department for the purposes of this chapter from any other source
12 or sources.

13 (D) All moneys appropriated to the department for the
14 purposes of Chapter 8.5 (commencing with Section 50710) and
15 any moneys received by the department from the occupants of
16 housing or shelter provided pursuant to Chapter 8.5 (commencing
17 with Section 50710). These moneys shall be separately accounted
18 for from the other moneys deposited in the fund.

19 (c) Grants and loans made pursuant to this section shall be
20 matched by grantees with at least equal amounts of federal
21 moneys, other cash investments, or in-kind contributions.

22 (d) With respect to the supervision of grantees, the department
23 shall do the following:

24 (1) Establish minimum capital reserves to be maintained by
25 grantees.

26 (2) Fix and alter from time to time a schedule of rents that may
27 be necessary to provide residents of housing assisted pursuant to
28 this section with affordable rents to the extent consistent with the
29 maintenance of the financial integrity of the housing project. No
30 grantee shall increase the rent on any unit constructed or
31 rehabilitated with the assistance of funds provided pursuant to this
32 section without the prior permission of the department, which shall
33 be given only if the grantee affirmatively demonstrates that the
34 increase is required to defray necessary operating costs or avoid
35 jeopardizing the fiscal integrity of the housing project.

36 (3) Determine standards for, and control selection by grantees
37 of, tenants and subsequent purchasers of housing constructed or
38 rehabilitated with the assistance of funds provided pursuant to this
39 section.

1 (4) (A) Require as a condition precedent to a grant or loan, or
2 both, of funds that the applicant have site control that is
3 satisfactory to the department; that the grantee be record owner in
4 fee of the assisted real property or provide other security *including*
5 *a lien on the manufactured home* that is satisfactory to the
6 department to ensure compliance with the construction, financial,
7 and program obligations; and that the grantee shall have entered
8 into a written agreement with the department binding upon the
9 grantee and successors in interest to the grantee. The agreement
10 shall include the conditions under which the funds advanced may
11 be repaid. The agreement shall include provisions for a lien on the
12 assisted real property *or manufactured home* in favor of the State
13 of California for the purpose of securing performance of the
14 agreement. The agreement shall also provide that the lien shall
15 endure until released by the Director of Housing and Community
16 Development.

17 (B) In the event that funds granted or loaned pursuant to this
18 section constitute less than 25 percent of the total development cost
19 or value, whichever is applicable, of a project assisted under this
20 section, the department may adopt, by regulation, criteria for
21 determining the number of units in a project to which the
22 restrictions on occupancy contained in the agreement apply. In no
23 event may these regulations provide for the application of the
24 agreement to a percentage of units in a project that is less than the
25 percentage of total development costs that funds granted or loaned
26 pursuant to this section represent.

27 (C) Contemporaneously with the disbursement of the initial
28 funds to a grantee, the department shall cause to be recorded, in the
29 office of the county recorder of the county in which the assisted
30 real property is located, a notice of lien executed by the Director
31 of Housing and Community Development. The notice of lien shall
32 refer to the agreement required by this paragraph for which it
33 secures and it shall include a legal description of the assisted real
34 property that is subject to the lien. The notice of lien shall be
35 indexed by the recorder in the Grantor Index to the name of the
36 grantee and in the Grantee Index to the name of the State of
37 California, Department of Housing and Community
38 Development. *For manufactured housing, the liens shall be*
39 *recorded by the department in the same manner as other*
40 *manufactured housing liens are recorded.* The department shall



adopt by regulation criteria for the determination of the lien period. This regulation shall take into account whether the property is held by multifamily rental, single-family ownership, or cooperative ownership and whether it is new construction or rehabilitative construction. *The lien period for manufactured housing liens for manufactured homes shall not exceed 10 years.*

(D) Pursuant to regulations adopted by the department, the department may execute and cause to be recorded in the office of the recorder of the county in which a notice of lien has been recorded, *or the department, as appropriate*, a subordination of the lien. The regulations adopted by the department shall provide that any subordination of the lien shall not jeopardize the security interest of the state and shall further the interest of farmworker housing. The recitals contained in the subordination shall be conclusive in favor of any bona fide purchaser or lender relying thereon.

(E) *Prior to funds granted pursuant to this section being used to finance the acquisition of a manufactured home, the grantee shall ensure that the home either is already installed in a location where it will be occupied by the eligible household or that a location has been leased or otherwise made available for the manufactured home to be occupied by the eligible household.*

(5) Regulate the terms of occupancy agreements or resale controls, to be used in housing assisted pursuant to this section.

(6) Provide bilingual services and publications, or require grantees to do so, as necessary to implement the purposes of this section.

(7) The agreement between the department and the grantee shall provide, among other things, that both of the following occur:

(A) Upon the sale or conveyance of the real property, or any part thereof, for use other than for agricultural employee occupancy, the grantee or its successors shall, as a condition for the release of the lien provided pursuant to paragraph (4), repay to the fund the department's grant and loan funds.

(B) Upon the sale or conveyance of the real property or any part thereof for continued agricultural employee occupancy, the transferee shall assume the obligation of the transferor and the real property shall be transferred to the new owner; provided that the transferee agrees to abide by the agreement entered into between the transferor and the department and that the new owner takes the

1 property subject to the lien provided pursuant to paragraph (4),
2 except that this lien shall, at the time of the transfer of the property
3 to the new owner, be extended for an additional lien period
4 determined by the department pursuant to paragraph (4), and the
5 new owner shall not be credited with the lien period that had run
6 from the time the transferor had acquired the property to the time
7 of transfer to the new owner, unless the department determines that
8 it is in the best interest of the state and consistent with the intent
9 of this section to so credit the lien period to the new owner.
10 However, the lien shall have priority as of the recording date of the
11 lien for the original grantee, pursuant to paragraph (4).

12 (e) The department may do any of the following with respect
13 to grantees:

14 (1) Through its agents or employees enter upon and inspect the
15 lands, buildings, and equipment of a grantee, including books and
16 records, at any time before, during, or after construction or
17 rehabilitation of units assisted pursuant to this section. However,
18 there shall be no entry or inspection of any unit that is occupied,
19 whether or not any occupant is actually present, without the
20 consent of the occupant.

21 (2) Supervise the operation and maintenance of any housing
22 assisted pursuant to this section and order repairs as may be
23 necessary to protect the public interest or the health, safety, or
24 welfare of occupants of the housing.

25 (f) The department shall include in its annual report required by
26 Section 50408, a current report of the Joe Serna, Jr. Farmworker
27 Housing Grant Program. The report shall include, but need not be
28 limited to, (1) the number of households assisted, (2) the average
29 income of households assisted and the distribution of annual
30 incomes among assisted households, (3) the rents paid by
31 households assisted, (4) the number and amount of grants or loans,
32 or both, made to each grantee in the preceding year, (5) the dollar
33 value of funding derived from sources other than the state for each
34 project receiving a grant or loan, or both, under this section, and
35 an identification of each source, (6) recommendations, as needed,
36 to improve operations of the program and respecting the
37 desirability of extending its application to other groups in rural
38 areas identified by the department as having special need for state
39 housing assistance, and (7) the number of manufactured housing
40 units assisted under this section.



(g) As used in this section:

(1) “Agricultural employee” has the same meaning as specified in subdivision (b) of Section 1140.4 of the Labor Code, but also includes any person who works at a packing shed for a labor contractor or other entity that contracts with an agricultural employer in order to perform services in connection with handling, drying, packing, or storing any agricultural commodity in its raw or natural state, whether or not this person is encompassed within the definition specified in subdivision (b) of Section 1140.4 of the Labor Code.

(2) “Grantee” means the local public entity, nonprofit corporation, or limited partnership that is awarded the grant or loan, or both, under this section, and, at the request thereof, may include an agricultural employee receiving direct payment of a grant for rehabilitation under this section who occupies the assisted housing both before and after the rehabilitation and may include an agricultural employee receiving direct payment of a grant for construction under this section who will occupy the assisted housing and who is a participant in a rehabilitation or construction program sponsored and supervised by a local public entity, nonprofit corporation, or limited partnership.

(3) “Housing” may include, but is not necessarily limited to, conventionally constructed units and manufactured housing installed pursuant to either Section 18551 or 18613.

(4) “Limited partnership” means a limited partnership where all of the general partners are nonprofit mutual or public benefit corporations.

(h) The department may provide the assistance offered pursuant to this chapter in any area where there is a substantial unmet need for farmworker housing.

SEC. 12. Section 50781 of the Health and Safety Code is amended to read:

50781. Unless the context otherwise requires, the following definitions given in this section shall control construction of this chapter:

(a) “Affordable” means that, where feasible, low-income residents should not pay more than 30 percent of their monthly income for housing costs.

(b) “Conversion costs” includes the cost of acquiring the mobilehome park, the costs of planning and processing the

1 conversion, the costs of any needed repairs or rehabilitation, and
2 any expenditures required by a governmental agency or lender for
3 the project.

4 (c) “Department” means the Department of Housing and
5 Community Development.

6 (d) “Fund” means the Mobilehome Park Purchase Fund
7 created pursuant to Section 50782.

8 (e) “Housing costs” means the total cost of owning,
9 occupying, and maintaining a mobilehome and a lot or space in a
10 mobilehome park. The department’s regulations shall specify the
11 factors included in these costs and may, for the purposes of
12 calculating affordability, establish reasonable allowances.

13 (f) “Individual interest in a mobilehome park” means any
14 interest that is fee ownership or a lesser interest that entitles the
15 holder to occupy a lot or space in a mobilehome park for a period
16 of not less than either 15 years or the life of the holder. Individual
17 interests in a mobilehome park include, but are not limited to, the
18 following:

19 (1) Ownership of a lot or space in a mobilehome park or
20 subdivision.

21 (2) A membership or shares in a stock cooperative, as defined
22 in Section 11003.2 of the Business and Professions Code, or a
23 limited equity housing cooperative, as defined in Section 33007.5
24 of this code.

25 (3) Membership in a nonprofit mutual benefit corporation that
26 owns, operates, or owns and operates the mobilehome park.

27 (g) “Low-income resident” means an individual or household
28 that is a lower income household, as defined in Section 50079.5.
29 However, personal assets shall not be considered in the calculation
30 of income, except to the extent that they actually generate income.

31 (h) “Low-income spaces” means those spaces in a
32 mobilehome park operated by a resident organization, a qualified
33 nonprofit housing sponsor, or a local public entity that are
34 occupied by low-income residents.

35 (i) “Mobilehome park” means a mobilehome park, as defined
36 in Section 18214, or a manufactured home subdivision created by
37 the conversion of a mobilehome park, as defined in Section 18214,
38 including a senior park, to resident ownership or ownership by a
39 qualified nonprofit housing sponsor or local public entity.

(j) “Program” means the Mobilehome Park Resident Ownership Program.

(k) “Qualified nonprofit housing sponsor” means a nonprofit public benefit corporation, as defined in Part 2 (commencing with Section 5110) of Division 2 of the Corporations Code, or a limited partnership where all of the general partners are nonprofit mutual or public benefit corporations, that (1) has received its tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, (2) is not affiliated with or controlled by a for-profit organization or individual, (3) has extensive experience with the development and operation of publicly subsidized affordable housing, (4) the department determines is qualified by experience and capability to own and operate a mobilehome park that provides housing affordable to low-income households, and (5) has formal arrangements for ensuring resident participation or input in the management of the park that may include, but not be limited to, membership on the board of directors.

(l) “Resident organization” means a group of mobilehome park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobilehome park in which they reside and converting the mobilehome park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobilehome park, or in each park of a combination of parks where the residents of two or more parks combine to form a single resident organization. The two-thirds of households in the resident organization at the time of funding the park need not be the same households that were residing in the park when the application for assistance was submitted to the department. A household’s membership in the resident organization when the application was submitted to the department shall not be a requirement for that household to receive a loan or assistance under this chapter.

(m) “Resident ownership” means, depending on the context, either the ownership by a resident organization of an interest in a mobilehome park that entitles the resident organization to control the operations of the mobilehome park for a term of no less than 15 years, or the ownership of individual interests in a mobilehome park, or both.

1 SEC. 13. Section 50786 of the Health and Safety Code is
2 amended to read:

3 50786. (a) The department shall adopt regulations for the
4 administration and implementation of this chapter.

5 (b) The department shall obtain the best available security for
6 loans made pursuant to this chapter. The security may include a
7 note, deed of trust, assignment of lease, or other form of security
8 on real or personal property which the department determines is
9 adequate to protect the interests of the state. To the extent
10 applicable, these documents and any regulatory provisions shall be
11 recorded or referenced in a recorded document in the office of the
12 county recorder of the county in which the mobilehome park is
13 located.

14 (c) The degree of continuing regulatory control with respect to
15 park operations and resident loans exercised by the department in
16 making loans pursuant to this chapter shall be commensurate with
17 the level of financial assistance provided and in all cases shall be
18 adequate to protect the state's security interest and ensure the
19 accomplishment of the purposes of the program authorized by this
20 chapter. The regulatory requirements shall be set forth in a
21 regulatory agreement, deed of trust, or other lien, and any violation
22 of these requirements shall be considered a violation of a security
23 document. Where loans are made to a qualifying nonprofit housing
24 sponsor or local public entity, a regulatory agreement shall be
25 recorded against the mobilehome park. This regulatory agreement
26 shall contain provisions limiting occupancy, rents, and park
27 operation for the original loan term. The department may release
28 individual spaces from the regulatory agreement only if they are
29 purchased by residents who occupy them.

30 (d) Before providing financing pursuant to this chapter, the
31 department shall require provision of, and approve, at least all of
32 the following:

33 (1) Verification at the time of application and prior to funding
34 that at least two-thirds of the households residing in the
35 mobilehome park support the plans for acquisition and conversion
36 of the park.

37 (2) Verification that either no park residents shall be
38 involuntarily displaced as a result of the park conversion or the
39 impacts of the displacement shall be mitigated as required under
40 state and local law. For purposes of this requirement, compliance



1 with Section 66427.5 of the Government Code shall be
2 conclusively presumed to have mitigated economic displacement.

3 (3) Verification that the conversion is consistent with local
4 zoning and land use requirements, other applicable state and local
5 laws, and regulations and ordinances.

6 (4) Projected costs and sources of funds for all conversion
7 activities.

8 (5) Projected operating budget for the park during and after the
9 conversion.

10 (6) A management plan for the conversion and operation of the
11 park.

12 (7) If necessary, a relocation plan for residents not participating
13 that is in compliance with Chapter 16 (commencing with Section
14 7260) of Division 7 of Title 1 of the Government Code.

15 (e) The department shall, to the greatest extent feasible, do all
16 of the following:

17 (1) Require participation by cities and counties in loan
18 applications submitted pursuant to this chapter.

19 (2) Contract with private lenders or local public entities to
20 provide program administration and to service loans made
21 pursuant to this chapter.

22 (3) Give priority to applications for resident-owned parks.

23 *SEC. 14. The Department of Housing and Community*
24 *Development may implement the changes made by this act to*
25 *Section 50517.5 of the Health and Safety Code for 24 months using*
26 *guidelines, during which time those guidelines shall not be subject*
27 *to the Administrative Procedure Act (Chapter 3.5 (commencing*
28 *with Section 11340) of Part 1 of Division 3 of Title 2 of the*
29 *Government Code).*

